



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MACHAEL ET AL.

Serial No.: 10/749,009

Filed: December 30, 2003

For: TILT LOCK MECHANISM

) Art Unit: 3636

) Examiner: Erika P. Garrett

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patent  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the restriction requirement mailed January 12, 2005, the applicant  
provisionally elects claims 1-13, with traverse.

Claims 1-13 relate to a chair, the chair comprising, inter alia, a lock member, a lock  
engagement member, and operating means for operating the lock engagement member between  
an unlocked and a locked condition. As set forth in claim 1, when the lock engagement member  
is in an unlocked condition the seat assembly can move through its range of tilting motion, and  
when the lock engagement member is in the locked condition, the seat assembly is restrained  
from tilting.

Claims 14-18 relate to a "synchro-tilt" chair comprising a tilt lock means. As set forth in  
claim 15 which depends from claim 14, the tilt lock means comprises a lock member, a lock  
engagement member, and an operating means: A synchro-tilt chair, as explained in the  
specification at paragraph [0003], final sentence, is one in which the seat portion is arranged to

be lowered or raised at a different rate than the rate of decline of the back portion, resulting in different angular movements of the back portion and the seat portion.


The statement in the restriction requirement that claims 1-13 are "drawn to a chair" while claims 14-18 are drawn to a "tilt lock" is respectfully disputed. Both sets of claims are drawn to a chair capable of tilting, and having a locking mechanism that can restrain the chair from tilting. Claim 14 is not directed to only a tilt lock, independent of the chair of which it forms a part. Thus, both sets of claims belong in the same class for search purposes.

Further, the two sets of claims are not related as combination and subcombination. The statement that "The subcombination has separate utility such as the tilt lock means, and is not mainly just for the chair" is respectfully not understood, as the tilt lock means is claimed only as a part of a chair. The same prior art will be searched for both sets of claims.

Accordingly, it is respectfully requested that the restriction requirement between first set of claims 1-13 and second set of claims 14-18 be withdrawn.

Applicant provisionally elects the species of Figures 1-13 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The claims that read on the species of Figures 1-13 are claims 1-10, 11-17.

Respectfully submitted,

  
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